

**FIFTY-THIRD LEGISLATIVE DAY  
THURSDAY, MARCH 4, 2004**

House of Representatives

The House convened at 10 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Arielle Gorin, Page.

**Approval of Journal**

March 4, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fifty-second Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the  
Governor and the Senate**

March 3, 2004

Mr. Speaker:

I transmit herewith enrolled **S 1238, S 1265, SCR 123, and SJM 107** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1238, S 1265, SCR 123, and SJM 107** and, when so signed, ordered them returned to the Senate.

March 3, 2004

Mr. Speaker:

I return herewith enrolled **HCR 53** which has been signed by the President.

WOOD, Secretary

Enrolled **HCR 53** was referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

March 3, 2004

Mr. Speaker:

I transmit herewith **S 1309, S 1347, S 1358, and S 1361** which have passed the Senate.

WOOD, Secretary

**S 1309, S 1347, S 1358, and S 1361** were filed for first reading.

**Report of Standing Committees**

March 4, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 805, H 806, H 807, HCR 55, HJM 23, and HJM 24**.

FIELD(18), Chairman

**H 806 and H 807** were referred to the Agricultural Affairs Committee.

**HJM 23 and HJM 24** were referred to the Resources and Conservation Committee.

**H 805 and HCR 55** were filed for second reading.

March 4, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 715, H 718, H 721, H 722, H 723, H 732, H 733, H 734, H 735, H 736, H 737, H 477, H 478, H 479, and H 481**.

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **H 715, H 718, H 721, H 722, H 723, H 732, H 733, H 734, H 735, H 736, H 737, H 477, H 478, H 479, and H 481**, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 4, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed **H 500**, as amended in the Senate.

FIELD(18), Chairman

**H 500**, as amended in the Senate, was filed for first reading of engrossed bills.

March 3, 2004

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **H 780** and recommend that it do pass.

CROW, Chairman

**H 780** was filed for second reading.

March 3, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **H 771, S 1234**, as amended, **S 1263**, and **S 1281** and recommend that they do pass.

FIELD(18), Chairman

**H 771, S 1234**, as amended, **S 1263**, and **S 1281** were filed for second reading.

March 3, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **H 751** and report it back with amendments attached to be placed on General Orders for consideration.

FIELD(18), Chairman

**H 751** was placed on General Orders for consideration.

March 3, 2004

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration **H 774** and recommend that it do pass.

STEVENSON, Chairman

**H 774** was filed for second reading.

March 3, 2004

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration **S 1240**, **S 1241**, and **S 1242** and recommend that they do pass.

BLACK, Chairman

**S 1240**, **S 1241**, and **S 1242** were filed for second reading.

March 4, 2004

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **HCR 52** and recommend that it do pass.

DEAL, Chairman

**HCR 52** was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

#### **Motions, Memorials, and Resolutions**

House of Representatives  
State of Idaho

March 2, 2004

The Honorable Max Black  
Chairman, Business Committee

Dear Representative Black:

I hereby designate the Business Committee a privileged committee for the purpose of introducing RS 14240 on Thursday, March 4, 2004.

/s/ Sincerely,  
BRUCE NEWCOMB  
Speaker of the House

The letter was ordered filed in the Office of the Chief Clerk.

#### **Introduction, First Reading, and Reference of Bills and Joint Resolutions**

#### **HOUSE BILL NO. 808 BY BUSINESS COMMITTEE AN ACT**

RELATING TO INSURANCE; AMENDING CHAPTER 18, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1846, IDAHO CODE, TO SET FORTH REQUIREMENTS AND LIMITATIONS FOR INSURERS OFFERING HEALTH CARE POLICIES THAT DO NOT MEET THE DEFINITION OF MANAGED CARE PLANS; AMENDING SECTION 41-3903, IDAHO CODE, TO REVISE THE DEFINITION FOR "MANAGED CARE PLAN"; PROVIDING AN EFFECTIVE DATE AND PROVIDING FOR APPLICATION.

#### **HOUSE BILL NO. 809 BY REVENUE AND TAXATION COMMITTEE AN ACT**

RELATING TO ELECTIONS ON PROPERTY TAX RELATED MATTERS; AMENDING CHAPTER 1, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-106A, IDAHO CODE, TO PROVIDE FOR A MINIMUM PERCENTAGE OF VOTER TURNOUT IN ELECTIONS FOR THE PURPOSE OF INCURRING ANY INDEBTEDNESS OR LIABILITY IN ANY MANNER, OR FOR THE PURPOSE OF EXCEEDING, IN THAT YEAR, THE INCOME AND REVENUE PROVIDED FOR A COUNTY, CITY, BOARD OF EDUCATION, SCHOOL DISTRICT OR OTHER POLITICAL SUBDIVISION OF THE STATE OR TAXING DISTRICT, FOR THE MEASURE TO BE APPROVED; AND AMENDING SECTION 63-802, IDAHO CODE, TO PROVIDE THAT ANY TAXING DISTRICT MAY SUBMIT TO THE ELECTORS WITHIN THE DISTRICT THE QUESTION OF WHETHER THE BUDGET FROM PROPERTY TAX REVENUES MAY BE INCREASED BEYOND THE AMOUNT AUTHORIZED, BUT NOT BEYOND THE LEVY AUTHORIZED BY STATUTE, TO PROVIDE THAT THE ADDITIONAL AMOUNT MUST BE APPROVED BY SIXTY-SIX AND TWO-THIRDS PERCENT OR MORE OF THE VOTERS VOTING ON THE QUESTION AT AN ELECTION CALLED FOR THAT PURPOSE AND HELD ON THE MAY OR NOVEMBER DATES PROVIDED BY SECTION 34-106, IDAHO CODE, AND A MINIMUM OF THIRTY PERCENT OF THE QUALIFIED ELECTORS REGISTERED TO VOTE OR ELECTORS AUTHORIZED TO VOTE MUST VOTE IN THE ELECTION AND TO PROVIDE THAT IF APPROVED BY THE REQUIRED MINIMUM SIXTY-SIX AND TWO-THIRDS PERCENT OF THE VOTERS VOTING AT THE ELECTION AND IF THE REQUIRED NUMBER OF VOTERS CAST BALLOTS AT THE ELECTION, THE NEW BUDGET AMOUNT SHALL BE THE BASE BUDGET FOR THE PURPOSES OF SECTION 63-802, IDAHO CODE.

#### **HOUSE BILL NO. 810 BY REVENUE AND TAXATION COMMITTEE**

## AN ACT

RELATING TO SALES AND USE TAX EXEMPTIONS; AMENDING SECTION 63-3622O, IDAHO CODE, TO PROVIDE AN EXEMPTION FROM THE SALES AND USE TAX FOR SALES TO AND PURCHASES BY A QUALIFYING VETERANS SERVICE ORGANIZATION AND TO DEFINE "VETERANS SERVICE ORGANIZATION."

**HOUSE BILL NO. 811**  
**BY STATE AFFAIRS COMMITTEE**

## AN ACT

RELATING TO DISPOSITION OF UNEXPENDED BALANCES OF POLITICAL TREASURERS; AMENDING SECTION 67-6608, IDAHO CODE, TO PROVIDE FOR SEMIANNUAL REPORTS BY CANDIDATES FOR STATEWIDE OFFICE; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 812**  
**BY STATE AFFAIRS COMMITTEE**

## AN ACT

RELATING TO HEALTH INSURANCE; AMENDING SECTION 41-5203, IDAHO CODE, TO FURTHER DEFINE TERMS AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 41-5208, IDAHO CODE, TO PROVIDE THAT HEALTH BENEFIT PLANS COVERING ELIGIBLE INDIVIDUALS SHALL COMPLY WITH CERTAIN PROVISIONS, TO REVISE LANGUAGE REGARDING WAIVING ANY TIME PERIOD APPLICABLE TO A PREEXISTING CONDITION EXCLUSION OR LIMITATION PERIOD AND TO INCORPORATE A PORTION OF THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996; AMENDING SECTION 41-5501, IDAHO CODE, TO FURTHER DEFINE TERMS AND TO PROVIDE A CORRECT CODE REFERENCE; AND AMENDING SECTION 41-5510, IDAHO CODE, TO REVISE ELIGIBILITY CRITERIA FOR COVERAGE UNDER A POOL PLAN.

**HOUSE BILL NO. 813**  
**BY STATE AFFAIRS COMMITTEE**

## AN ACT

RELATING TO BRIBERY AND CORRUPT INFLUENCE; AMENDING SECTION 18-1351, IDAHO CODE, TO REVISE THE DEFINITION FOR "PECUNIARY BENEFIT"; AND AMENDING SECTION 18-1356, IDAHO CODE, TO REVISE THE PROHIBITION ON IMPROPER GIFTS APPLICABLE TO LEGISLATIVE OFFICIALS, TO SET FORTH ADDITIONAL EXCEPTIONS AND TO MAKE TECHNICAL CORRECTIONS.

**H 808, H 809, H 810, H 811, H 812, and H 813** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**S 1309**, by Education Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

**S 1347, S 1358, and S 1361**, by Education Committee, were

introduced, read the first time by title, and referred to the Education Committee.

**First Reading of Engrossed Bills**

**H 500**, as amended in the Senate, by State Affairs Committee, was introduced, read the first time by title and filed for second reading.

**Second Reading of Bills and Joint Resolutions**

**H 801**, by Appropriations Committee, was read the second time by title and filed for third reading.

**H 802, H 756, H 757, H 731, H 646, and H 777**, by State Affairs Committee, were read the second time by title and filed for third reading.

**H 773, H 741, and H 776**, by Ways and Means Committee, were read the second time by title and filed for third reading.

**S 1267, S 1268, and S 1266**, by State Affairs Committee, were read the second time by title and filed for third reading.

**S 1404 and S 1405**, by Finance Committee, were read the second time by title and filed for third reading.

**Third Reading of Bills and Joint Resolutions**

**H 655** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Ridinger to open debate.

The question being, "Shall **H 655** pass?"

Roll call resulted as follows:

AYES -- Andersen, Bauer, Black, Boe, Campbell, Cuddy, Douglas, Edmunson, Eskridge, Field(18), Field(23), Henbest, Jaquet, Jones, Kellogg, Langhorst, Martinez, Meyer, Mitchell, Naccarato, Pasley-Stuart, Ridinger, Ringo, Shirley, Smith(30), Smith(24), Stevenson, Trail(Bennett), Wood. Total -- 29.

NAYS -- Barraclough, Barrett, Bayer, Bedke, Bell, Block, Bolz, Bradford, Cannon, Clark, Collins, Crow, Deal, Denney, Eberle, Ellsworth, Gagner, Garrett, Harwood, Kulczyk, Lake, Langford, McGeachin, McKague, Miller, Moyle, Nielsen, Raybould, Ring, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Skippen, Smylie, Snodgrass, Wills, Mr. Speaker. Total -- 41.

Total -- 70.

Whereupon the Speaker declared **H 655** failed to pass the House and ordered the bill filed in the Office of the Chief Clerk.

**H 770** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open

debate.

The question being, "Shall **H 770** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wood, Mr. Speaker. Total -- 63.

NAYS -- Bauer, Bayer, Kulczyk, Moyle. Total -- 4.

Absent and excused -- Crow, Gagner, Wills. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 770** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 772** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Ellsworth to open debate.

The question being, "Shall **H 772** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- Moyle. Total -- 1.

Absent and excused -- Bradford, Crow. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 772** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**S 1278** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Sayler to open debate.

The question being, "Shall **S 1278** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Campbell, Cannon, Clark, Collins, Cuddy, Denney, Douglas, Eberle, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Wood, Mr. Speaker. Total -- 65.

NAYS -- None.

Absent and excused -- Bradford, Crow, Deal, Edmunson, Skippen. Total -- 5.

Total -- 70.

Whereupon the Speaker declared **S 1278** passed the House. Title was approved and the bill was ordered returned to the Senate.

**HJM 18** was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall **HJM 18** be adopted?"

Whereupon the Speaker declared **HJM 18** adopted by voice vote and ordered the memorial transmitted to the Senate.

**H 682** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Stevenson to open debate.

The question being, "Shall **H 682** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Jones, Kellogg, Kulczyk, Lake, Langford, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Roberts, Robison, Rydalch, Sali, Schaefer, Shepherd, Shirley, Skippen, Smith(24), Smylie, Snodgrass, Stevenson, Wills, Wood, Mr. Speaker. Total -- 61.

NAYS -- Henbest, Jaquet, Langhorst, Martinez, Ringo, Sayler, Smith(30), Trail(Bennett). Total -- 8.

Absent and excused -- Bradford. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 682** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 609**, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wills to open debate.

The question being, "Shall **H 609**, as amended, pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Robison, Rydalc, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused -- Roberts. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 609**, as amended, passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 589**, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Pasley-Stuart to open debate.

The question being, "Shall **H 589**, as amended, pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Robison, Rydalc, Sali, Sayler, Schaefer, Shepherd, Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused -- Roberts, Skippen. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 589**, as amended, passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**HCR 42**, as amended, was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Boe to open debate.

The question being, "Shall **HCR 42**, as amended, be adopted?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Black, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Lake, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Trail(Bennett), Mr. Speaker. Total -- 60.

NAYS -- Bayer, Bedke, Bell, Block, Kulczyk, Langford, Rydalc. Total -- 7.

Absent and excused -- Stevenson, Wills, Wood. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **HCR 42**, as amended, adopted and ordered the resolution transmitted to the Senate.

Mr. Moyle asked unanimous consent that **H 630**, as amended, be returned to the State Affairs Committee. There being no objection, it was so ordered.

**H 651**, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Cuddy to open debate.

The question being, "Shall **H 651**, as amended, pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Black, Block, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Jones, Kellogg, Kulczyk, Lake, Langford, McGeachin, McKague, Meyer, Miller, Moyle, Nielsen, Raybould, Ridinger, Ring, Roberts, Robison, Rydalc, Sali, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wood, Mr. Speaker. Total -- 55.

NAYS -- Bayer, Boe, Douglas, Harwood, Henbest, Jaquet, Langhorst, Martinez, Mitchell, Naccarato, Pasley-Stuart, Ringo, Sayler, Smith(24). Total -- 14.

Absent and excused -- Wills. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 651**, as amended, passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 726**, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Harwood and Mr. Naccarato to open debate.

The question being, "Shall **H 726**, as amended, pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wood, Mr. Speaker. Total -- 67.

NAYS -- Kulczyk, Sali. Total -- 2.

Absent and excused -- Wills. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 726**, as amended, passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Denney moved that the House recess until 1:15 p.m. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House at recess until 1:15 p.m.

## RECESS

### Afternoon Session

The House reconvened at 1:15 p.m., the Speaker in the Chair.

Roll call showed 67 members present.

Absent and excused -- Black, Bradford, Shirley. Total -- 3.

Total -- 70.

Prior to recess, the House was at the Eleventh Order of Business.

### Third Reading of Bills and Joint Resolutions

Mr. Sali asked unanimous consent that Rule 70, with the exception of smoking, be suspended for the balance of the Legislative Day. There being no objection, it was so ordered.

**H 696**, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Henbest to open debate.

The question being, "Shall **H 696**, as amended, pass?"

Roll call resulted as follows:

AYES -- Andersen, Block, Boe, Campbell, Cannon, Cuddy, Deal, Douglas, Eberle, Edmunson, Ellsworth, Field(18), Garrett, Henbest, Jaquet, Jones, Kellogg, Langhorst, Martinez, McGeachin, Meyer, Miller, Mitchell, Naccarato, Pasley-Stuart, Ringo, Robison, Sali, Sayler, Shepherd, Skippen, Smith(30), Snodgrass, Trail(Bennett), Wood, Mr. Speaker. Total -- 36.

NAYS -- Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Bolz, Clark, Collins, Denney, Eskridge, Field(23), Gagner, Harwood, Kulczyk, Lake, Langford, McKague, Moyle, Raybould, Ridinger, Ring, Roberts, Rydalch, Schaefer, Smylie, Stevenson. Total -- 27.

Absent and excused -- Black, Bradford, Crow, Nielsen, Shirley, Smith(24), Wills. Total -- 7.

Total -- 70.

Whereupon the Speaker declared **H 696**, as amended, passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 634**, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Campbell to open debate.

The question being, "Shall **H 634**, as amended, pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bayer, Bedke, Bell, Block, Boe, Bolz, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wood, Mr. Speaker. Total -- 61.

NAYS -- None.

Absent and excused -- Bauer, Black, Bradford, Crow, Lake, Nielsen, Shirley, Smith(24), Wills. Total -- 9.

Total -- 70.

Whereupon the Speaker declared **H 634**, as amended, passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 636**, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Wood to open debate.

The question being, "Shall **H 636**, as amended, pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bayer, Bedke, Bell, Block, Boe, Bolz, Campbell, Cannon, Clark, Collins,

Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wood, Mr. Speaker. Total -- 62.

NAYS -- None.

Absent and excused -- Bauer, Black, Bradford, Gagner, Lake, Nielsen, Shirley, Wills. Total -- 8.

Total -- 70.

Whereupon the Speaker declared **H 636**, as amended, passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 783** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall **H 783** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Block, Boe, Bolz, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Jaquet, Jones, Kellogg, Langford, Langhorst, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wood, Mr. Speaker. Total -- 61.

NAYS -- Henbest, Martinez. Total -- 2.

Absent and excused -- Black, Bradford, Kulczyk, Lake, Nielsen, Shirley, Wills. Total -- 7.

Total -- 70.

Whereupon the Speaker declared **H 783** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 784** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall **H 784** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Block, Boe, Bolz, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk,

Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Mr. Speaker. Total -- 65.

NAYS -- None.

Absent and excused -- Black, Bradford, Lake, Shirley, Wood. Total -- 5.

Total -- 70.

Whereupon the Speaker declared **H 784** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 785** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Meyer to open debate.

The question being, "Shall **H 785** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Block, Boe, Bolz, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Mr. Speaker. Total -- 64.

NAYS -- None.

Absent and excused -- Black, Bradford, Harwood, Lake, Shirley, Wood. Total -- 6.

Total -- 70.

Whereupon the Speaker declared **H 785** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 786** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bedke to open debate.

The question being, "Shall **H 786** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Block, Boe, Bolz, Campbell, Cannon, Clark, Collins, Crow, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller,

Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Saylor, Schaefer, Shepherd, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Mr. Speaker. Total -- 63.

NAYS -- None.

Absent and excused -- Black, Bradford, Cuddy, Lake, Shirley, Smith(24), Wood. Total -- 7.

Total -- 70.

Whereupon the Speaker declared **H 786** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 748** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Sali to open debate.

The question being, "Shall **H 748** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Block, Bolz, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Field(18), Field(23), Gagner, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Langford, Langhorst, Martinez, McGeachin, McKague, Miller, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ring, Ringo, Robison, Rydalch, Sali, Saylor, Shepherd, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Mr. Speaker. Total -- 56.

NAYS -- Eskridge, Mitchell. Total -- 2.

Absent and excused -- Black, Boe, Bradford, Garrett, Lake, Meyer, Ridinger, Roberts, Schaefer, Shirley, Smith(24), Wood. Total -- 12.

Total -- 70.

Whereupon the Speaker declared **H 748** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**HCR 49** was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Kulczyk to open debate.

The question being, "Shall **HCR 49** be adopted?"

Whereupon the Speaker declared **HCR 49** adopted by voice vote and ordered the resolution transmitted to the Senate.

**SCR 122** was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nielsen to open debate.

The question being, "Shall **SCR 122** be adopted?"

Whereupon the Speaker declared **SCR 122** adopted by voice vote and ordered the resolution returned to the Senate.

**SJM 108** was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Jaquet, Mr. Bedke, and Mr. Barraclough to open debate.

The question being, "Shall **SJM 108** be adopted?"

Whereupon the Speaker declared **SJM 108** adopted by voice vote and ordered the memorial returned to the Senate.

Mr. Denney asked unanimous consent that beginning Friday, March 5, 2004, all House Appropriation bills be placed at the top of the Third Reading Calendar, followed by Senate Finance Bills, House Bills, and Senate Bills. There being no objection it was so ordered.

Mr. Denney asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House returned to the Eighth Order of Business.

#### **Introduction, First Reading, and Reference of Bills and Joint Resolutions**

#### **HOUSE BILL NO. 814 BY STATE AFFAIRS COMMITTEE AN ACT**

RELATING TO CONTRACTOR REGISTRATION; AMENDING TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 52, TITLE 54, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DECLARE A POLICY, TO DEFINE TERMS, TO REQUIRE REGISTRATION, TO SET FORTH EXEMPTIONS, TO CREATE THE IDAHO CONTRACTORS BOARD, TO SET FORTH BOARD POWERS AND DUTIES, TO PROVIDE FOR THE DENIAL OF LIEN RIGHTS, TO PROVIDE THAT A CONTRACTOR'S REGISTRATION NUMBER SHALL BE REQUIRED ON BUILDING AND OTHER PERMITS, TO REQUIRE THE POSTING OF PERMITS, TO PROVIDE AN EXEMPTION, TO PROVIDE FOR APPLICATIONS FOR REGISTRATION, TO SET FORTH REGISTRATION PERIODS, TO PROVIDE FOR RENEWAL OF REGISTRATION, TO CREATE THE IDAHO CONTRACTORS BOARD FUND, TO PROVIDE FOR RECIPROCAL REGISTRATION, TO PROVIDE FOR THE ISSUANCE OF CERTIFICATES OF REGISTRATION AND CARDS, TO REQUIRE NOTIFICATION UPON ANY CHANGE OF OWNERSHIP, TO REQUIRE THE DISPLAY OF CONTRACTOR REGISTRATION NUMBERS, TO PROVIDE FOR BOARD AUTHORITY TO INVESTIGATE AND DISCIPLINE, TO PROVIDE FOR THE SUSPENSION OR REVOCATION OF REGISTRATION, TO PROVIDE FOR REINSTATEMENT, TO PROVIDE PENALTIES, TO PROVIDE FOR SEVERABILITY AND TO SET FORTH



POWERS AND DUTIES OF THE ATTORNEY GENERAL AND PROSECUTING ATTORNEYS; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 815**  
**BY WAYS AND MEANS COMMITTEE**  
 AN ACT

RELATING TO DISCLOSURE OF CONTROLLED SUBSTANCE ADULTERATION OR MISAPPROPRIATION; AMENDING CHAPTER 1, TITLE 37, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 37-117A, IDAHO CODE, TO PROVIDE REPORTING AND DISCLOSURE REQUIREMENTS FOR CERTAIN HEALTH CARE PROVIDERS WHO ARE TERMINATED FROM EMPLOYMENT FOR ADULTERATION OR MISAPPROPRIATION OF CONTROLLED SUBSTANCES.

**HOUSE BILL NO. 816**  
**BY WAYS AND MEANS COMMITTEE**  
 AN ACT

RELATING TO THE INSPECTION AND SUPPRESSION OF DISEASES IN ANIMALS; AMENDING CHAPTER 2, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-220, IDAHO CODE, TO PROHIBIT THE IMPORTATION OF CATTLE ORIGINATING IN CANADA INTO THE STATE OF IDAHO UNLESS CERTAIN IDENTIFICATION REQUIREMENTS ARE MET; AND AMENDING SECTION 25-230, IDAHO CODE, TO STRIKE OBSOLETE LANGUAGE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 817**  
**BY WAYS AND MEANS COMMITTEE**  
 AN ACT

RELATING TO AGRICULTURAL AND FARM EQUIPMENT AND CONTRACTS; AMENDING SECTION 28-23-101, IDAHO CODE, TO PROVIDE FOR THE PAYMENT OR CREDIT FOR DEMONSTRATION OR RENTAL EQUIPMENT THAT HAS NOT BEEN RETAILED TO AN END USER AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 28-23-102, IDAHO CODE, TO REVISE THE PROCEDURES AND CREDITS FOR REPURCHASE OF REPAIR PARTS, REPAIR MANUALS, SPECIALIZED REPAIR TOOLS AND SIGNAGE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 28-23-105, IDAHO CODE, TO PROVIDE FOR ONE HUNDRED PERCENT CURRENT NET PRICE FOR MANUALS AND REPAIR MANUALS AND REASONABLE REIMBURSEMENT FOR SERVICES PERFORMED IN CONNECTION WITH ASSEMBLY AND PREDELIVERY INSPECTIONS OF THE EQUIPMENT, TO PROVIDE VENUE FOR CAUSES OF ACTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 28-23-106, IDAHO CODE, TO PROVIDE APPLICATION TO TRANSPORTATION CHARGES WHICH HAVE BEEN PAID BY THE RETAILER OR INVOICED TO THE RETAILER'S ACCOUNT AND TO PROVIDE APPLICATION TO MULTIPLE PARTS AND TO MAKE A TECHNICAL

CORRECTION; AMENDING SECTION 28-23-108, IDAHO CODE, TO INCREASE NOTICE PROVISIONS TO NINETY DAYS; AMENDING SECTION 28-24-102, IDAHO CODE, TO FURTHER DEFINE TERMS; AMENDING SECTION 28-24-103, IDAHO CODE, TO REVISE UNLAWFUL ACTS AND PRACTICES REGARDING EQUIPMENT DEALERS; AMENDING SECTION 28-24-104, IDAHO CODE, TO REVISE TIME PERIODS FOR A DEALER TO CURE A PROBLEM, TO PROVIDE PROCEDURES PRIOR TO THE TERMINATION OR NONRENEWAL OF A DEALER AGREEMENT AND TO MAKE A TECHNICAL CORRECTION; AMENDING PART 1, CHAPTER 24, TITLE 28, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 28-24-104A, 28-24-104B, 28-24-104C, 28-24-104D AND 28-24-104E, IDAHO CODE, TO PROVIDE THE ESTABLISHMENT OF A NEW DEALERSHIP AND THE SUPPLIER'S DUTIES, TO PROVIDE FOR WARRANTY CLAIMS, TO PROVIDE FOR AUDIT OF WARRANTY CLAIMS, TO PROVIDE FOR ARBITRATION AND TO PROVIDE FOR SUCCESSORS IN INTEREST; AND AMENDING SECTION 28-24-105, IDAHO CODE, TO INCLUDE DATA PROCESSING SOFTWARE IN REMEDIES AND ENFORCEMENT PROVISIONS, TO PROVIDE VENUE FOR CAUSES OF ACTION AND TO MAKE A TECHNICAL CORRECTION.

**H 814, H 815, H 816, and H 817** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Sixteenth Order of Business.

**Adjournment**

Mr. Moyle moved that the House adjourn until 10 a.m., Friday, March 5, 2004. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 2:35 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:  
 PAMM JUKER, Chief Clerk